

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT
OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 04-00041-002
	:	
	:	
DONNA GAGICH	:	Document No. _____
	:	

OBJECTIONS TO PRE-SENTENCE INVESTIGATION REPORT

AND NOW, comes the Defendant, Donna Gagich, by and through her attorney, Gene P. Placidi, Esquire, and files the following Objections to Pre-Sentence Investigation Report, averring in support thereof as follows:

1. The Defendant has one adult son and therefore one dependant and not three as indicated on the pre-sentence report on page 1, (c). Further, the Defendant's address is 423 West 31st Street, Erie, Pennsylvania 16508. In addition, the Defendant never used Donna Ricks as an "alias". To the contrary, the Defendant was at one time married to Richard Ricks and subsequent to her divorce went back to her maiden name, Donna Gagich.
2. Regarding the information contained on page 4, for clarification purposes, the Defendant never placed an ad in any newspaper to further the "Leaper Scam". The Defendant received her victim through, co-defendant, Karen Ann Erdely.
3. Regarding paragraph 12 on page 5 of the said report, although the investigation may have identified 224 victims in the fraud scam, it is clear that this Defendant had a total of 1 victim as indicated by the Defendant at the time of her plea. The Defendant received money from victim, Stanley Talibach, as part of this "Leaper Scam", and George "Bill"

Schmitt. However, as will be explained later, Mr. Schmitt was not the Defendant's "leaper".

4. Regarding paragraphs 13 and 14, it is clear that the Defendant received approximately \$1,700.00 from George "Bill" Schmitt. However, it is also clear that this money was paid to the Defendant on behalf of Karen Ann Erdely by Mr. Schmitt because Ms. Erdely owed Donna money. As stated, Mr. Schmitt was not the Defendant's "leaper". To the contrary, Mr. Schmitt was paying off Karen Erdely's debt. This is confirmed in paragraph 14 of the report as Mr. Schmitt indicated to law enforcement authorities that he sent money orders to the Defendant and her boyfriend, Antonio Gore. Obviously, if Mr. Schmitt knew that the Defendant had a boyfriend, then, in that event, he surely was not her "leaper".

5. Regarding the Defendant's divorce from her husband, Richard Ricks as indicated in paragraph 8, the Defendant's divorce was through Green County, Pennsylvania and not Erie County, Pennsylvania. (Waynesburg, Pennsylvania)

6. Regarding paragraph 16, the Defendant admitted to writing to Wayne Stange in South Dakota and receiving money from Mr. Stange, however, the Defendant at all times told authorities, including this Honorable Court at the time of her sentencing, that her contact with Mr. Stange occurred prior to her involvement with the "Leaper Scam". The Defendant has at all times maintained that Mr. Stange had absolutely nothing to do with the "Leaper Scam".

7. Paragraph 60 indicates that the Defendant's boyfriend, Antonio Gore, was convicted in December 1999 and sentenced to 1 to 12 months imprisonment for a marijuana distribution offense. Further, he was previously convicted in 1998 for the offense of

fraud to take food stamps. These charges do not relate to the Defendant's boyfriend, Antonio Gore. Rather, they relate to the Defendant's boyfriend's son, Antonio Gore Jr.

The Defendant's boyfriend, Antonio Gore, does not have a criminal record.

8. Consequently, as the Defendant stated at the time of her plea, the Defendant had one victim, Stanley Talibach.

Respectfully submitted,

By: /s/ Gene P. Placidi, Esq.

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